UNITED NATIONS

E/NL. 1991/35
1 August 1991

ORIGINAL: ENGLISH*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

GHANA

Communicated by the Government of Ghana

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

NARCOTIC DRUGS (CONTROL) BOARD INSTRUMENT, 1990

L.I. 1507.

IN exercise of the powers conferred on the Secretary responsible for the Interior by subsection (3) of section 55 of the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236) this Instrument is made this 17th day of October, 1990.

1. The Narcotic Control Board established under section 55 of the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236) shall have the following functions— Functions of the Board.

(*a*) collect, collate and disseminate for use by the Government information on narcotic drugs and psychotropic substances;

(*b*) receive and refer for investigation any complaint of alleged or suspected prohibited drug activity or narcotic drug abuse;

(*c*) examine in consultation with appropriate bodies the practices and procedures for the importation of, and dealing in, narcotic drugs or psychotropic substances by any person or authority;

(*d*) liaise with foreign and international agencies on matters relating to narcotic drugs and psychotropic substances;

(*e*) advise Government on suitable methods for reducing drug abuse and on provision of treatment and rehabilitation facilities for persons addicted to narcotic drugs;

---

* Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

1/ Note by the Secretariat: E/NL.1991/2.

(*f*) disseminate information to educate the public on—

(i) the evils of the use of narcotic drugs;

(ii) the effect of drug abuse generally;

(iii) punishment for offences under the Law particularly relating to seizure of property acquired from narcotic drug dealing;

(*g*) enlist and foster public support against prohibited activities relating to narcotic drugs; and

(*h*) perform such other functions as the Secretary shall assign to it.

Members of the Board.

2. (1) The Board shall consist of such officers as may be appointed by the Council.

(2) The Chairman of the Board shall be appointed from among the members.

(3) A member of the Board other than the Chairman shall hold office for three years but shall continue to hold office after the expiration of his term until he is re-appointed or another person is appointed in his place.

(4) Where the office of a member of the Board becomes vacant, the Secretary shall recommend another person to be appointed by the Council to fill the vacancy.

(5) Every member of the Board shall upon the expiration of his term of office be eligible for reappointment.

(6) If any member of the Board is absent from Ghana or is unable by reason of illness or other sufficient cause to perform the duties of his office, the Council may, on the recommendation of the Secretary, appoint another person in his place to perform those duties or until the expiration of the term of office of that member, whichever first occurs.

(7) Members of the Board shall hold office on such terms and conditions, including the payment of such allowances or remuneration, as the Council may, on the recommendation of the Secretary determine.

Meeting of the Board.

3. (1) The Board shall meet at such times and places as the Chairman may determine, but shall meet at least once in every two months.

(2) The Chairman shall, on the written request of either the Secretary or of not less than four members of the Board, convene a meeting of the Board.

(3) At every meeting of the Board at which he is present, the Chairman shall preside, and in his absence, a member of the Board appointed by those present from among themselves shall preside.

(4) All decisions of the Board shall be taken at meetings of the Board and the vote of a majority of the members present shall be the decision of the Board.

(5) The Board may co-opt any person to act as adviser at any of its meeting, however no person so co-opted shall have the right to vote on any matter for decision before the Board.

(6) A majority of members present at a meeting shall form a quorum.

(7) The minutes of all meetings of the Board shall be kept by the Executive Secretary of the Board and shall be signed by the Chairman and retained in custody of the Executive Secretary.

(8) The validity of any proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of any member thereof.

(9) Subject to the provisions of this paragraph the Board shall regulate its own procedure.

Committees of the Board.

4. (1) The Board may appoint such committees as it may deem necessary for the purpose of advising it on such matters relating to the functions of the Board as may be referred to them by the Board.

(2) A committee appointed by the Board may consist of members or non-members or both except that every such committee shall have as its Chairman a member of the Board.

Officers of the Board.

5. (1) The Secretary shall assign to the Board the services of such officers as the Board may require.

(2) The Board shall have an Executive Secretary who shall be appointed by the Council on such terms and conditions as the Council may determine.

(3) The Executive Secretary shall act as Secretary to the Board and shall be responsible for the day-to-day implementation of the functions of the Board.

Authorised public officers.

6. A public officer authorised by the Board shall have and may exercise the powers of a police officer to investigate, enter, seize, arrest and detain any person or property under the Law.

Identity card.

7. The Board may issue to an officer an identity card which shall be *prima facie* evidence of the officer's appointment as an officer of the Board.

Impersonation and procurement of Board's officers.

8. Any person who falsely pretends that—

(*a*) he is an officer of the Board or has any of the powers of such officer under the Law or under any authorisation or warrant issued under the Law; or

(*b*) he is able to procure an officer of the Board to do or refrain from doing anything in connection with the duties of such officer,

is guilty of an offence and liable on conviction to a fine not exceeding ₵500,000 or to imprisonment for a period not exceeding one year or to both.

Annual report.

9. (1) The Board shall, on or before the 31st December of each year, or by such later date as the Secretary may specify, submit to the Secretary a report of its activities during the previous year.

(2) The Secretary shall on receipt of the report submit it together with his comments thereon to the Council.

Interpretation.

10. In this Instrument unless the context otherwise requires—

"functions" include powers and duties;

"Council" means the Provisional National Defence Council;

"Secretary" means the P.N.D.C. Secretary responsible for the Interior;

"the Law" means the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236).

NII OKAIJA ADAMAFIO
Ag. P.N.D.C. Secretary for the Interior

Date of *Gazette* notification: 7th December, 1990.